

House Bill 1533 (AS PASSED HOUSE AND SENATE)

By: Representative Jamieson of the 28<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating the Board of Commissioners of Stephens County, approved March 22, 1937 (Ga. L.1937, p. 1415), as amended, so as to reconstitute the board of commissioners as a five-member board; to provide for definitions and inclusions; to provide for continuation in office of certain current board members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for a referendum; to provide for automatic repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act creating the Board of Commissioners of Stephens County, approved March 22, 1937 (Ga. L.1937, p. 1415), as amended, is amended by striking Sections 1, 2, and 3 and inserting in their place new Sections 1, 2, and 3 to read as follows:

**"SECTION 1.**

The Board of Commissioners of Stephens County which existed on December 31, 2007, is continued in existence but on and after January 1, 2009, shall be constituted as provided in this Act. The Board of Commissioners of Stephens County so continued and constituted shall continue to have the powers, duties, rights, obligations, and liabilities of that board as existed immediately prior to January 1, 2009.

**SECTION 2.**

(a) Those members of the Board of Commissioners of Stephens County who are serving as such on December 31, 2007, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective

1 terms of office and upon the election and qualification of their respective successors. On  
2 and after January 1, 2009, the Board of Commissioners of Stephens County shall consist  
3 of five members all of whom shall be elected at large as provided in Section 3. Stephens  
4 County shall consist of one election district with five numbered posts. Each person seeking  
5 election as a member of the board shall designate the post for which such person seeks  
6 election. Such posts shall be designated by numbers, beginning with post number 1 and  
7 ending with the number equaling the total number of commissioners on the board.

8 SECTION 3.

9 (a) No person shall be a member of the board if that person is ineligible for such office  
10 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that  
11 office.

12 (b) In order to be elected or appointed as a member of the board, a person must have  
13 resided in the county district for at least 12 months prior to election or appointment thereto  
14 and, if elected, must receive the number of votes cast as required by general law for that  
15 office in the entire county. Only electors who are residents of that county may vote for a  
16 member of the board. At the time of qualifying for election as a member of the board, each  
17 candidate for such office shall specify the post for which that person is a candidate. A  
18 person elected or appointed as a member of the board must continue to reside in the county  
19 during that person's term of office or that office shall become vacant.

20 (c)(1) The members of the reconstituted Board of Commissioners of Stephens County  
21 shall be elected as provided in this subsection. The first member from Post 1 shall be  
22 elected at the general election on the Tuesday next following the first Monday in  
23 November, 2010. The member of the board elected thereto from Post 1 in 2010 shall take  
24 office the first day of January immediately following that election and shall serve for an  
25 initial term of office which expires December 31, 2014, and upon the election and  
26 qualification of such member's successor.

27 (2) The first members from Posts 2 and 3 shall be elected at the general election on the  
28 Tuesday next following the first Monday in November, 2008. Those members of the  
29 board elected thereto from Posts 2 and 3 in 2008 shall take office the first day of January  
30 immediately following that election and shall serve for initial terms of office which expire  
31 December 31, 2012, and upon the election and qualification of their respective  
32 successors.

33 (3) The first members from Posts 4 and 5 shall be elected at the general election on the  
34 Tuesday next following the first Monday in November, 2008. Those members of the  
35 board elected thereto from Posts 4 and 5 in 2008 shall take office the first day of January

1 immediately following that election and shall serve for initial terms of office which expire  
2 December 31, 2010, and upon the election and qualification of their respective  
3 successors.

4 (4) Those and all future successors to members of the board whose terms of office are  
5 to expire shall be elected at the time of the state-wide general election immediately  
6 preceding the expiration of such terms, shall take office the first day of January  
7 immediately following that election, and shall serve for terms of office of four years each.  
8 Members of the board shall serve for the terms of office specified therefor in this  
9 subsection and until their respective successors are elected and qualified.

10 (d) All members of the board who are elected thereto shall be nominated and elected in  
11 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

## 12 **SECTION 2.**

13 The Board of Commissioners of Stephens County shall through its legal counsel cause this  
14 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as  
15 amended; and such submission shall be made to the United States Department of Justice or  
16 filed with the appropriate court no later than 45 days after the date on which this Act is  
17 approved by the Governor or otherwise becomes law without such approval.

## 18 **SECTION 3.**

19 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
20 superintendent of Stephens County shall call and conduct an election as provided in this  
21 section for the purpose of submitting this Act to the electors of Stephens County for approval  
22 or rejection. The election superintendent shall conduct that election on the date of the  
23 November, 2006, state-wide general election and shall issue the call and conduct that election  
24 as provided by general law. The election superintendent shall cause the date and purpose of  
25 the election to be published once a week for two weeks immediately preceding the date  
26 thereof in the official organ of Stephens County. The ballot shall have written or printed  
27 thereon the words:

28 "( ) YES Shall the Act be approved which reconstitutes the board of commissioners  
29 ( ) NO of Stephens County as a five-member board?"

30 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
31 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
32 such question are for approval of the Act, then Section 1 of this Act shall become of full  
33 force and effect on January 1, 2008. If Section 1 of this Act is not so approved or if the

1 election is not conducted as provided in this section, this Act shall not become effective and  
2 this Act shall be automatically repealed on the first day of January immediately following  
3 that election date. The expense of such election shall be borne by Stephens County. It shall  
4 be the election superintendent's duty to certify the result thereof to the Secretary of State.

5 **SECTION 4.**

6 Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon  
7 its approval by the Governor or upon its becoming law without such approval.

8 **SECTION 5.**

9 All laws and parts of laws in conflict with this Act are repealed.